

**MAR 1983**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D C. 20554

In the matter of  
Closed Captioning and Video  
Description of Video Programming

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CC Docket No. 95-176

COMMENTS OF

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WILSON ASSOCIATION OF THE DEAF

## I. Introduction

The Wilson Association of the Deaf submits these comments to the Federal Communications Commission's (FCC's) Notice of Inquiry on closed captioning and video description. We also wish to express our support for the comments submitted in response to this NOI by the National Association of the Deaf, the Consumer Action Network, and the North Carolina Association of the Deaf. We applaud the FCC on its commitment to telecommunications access for all Americans and thank the FCC for the opportunity to submit these comments.

## II. Benefits of Closed Captioning

Television provides a lifeline to the world, in the form of news, information, education, and entertainment. Just as a hearing person can derive little or no benefit from watching television with the volume off, a deaf or hard of hearing person can derive little or no benefit from watching a program with no captions. Because it is so integral to one's understanding and enjoyment of video programming, captioning needs to become an integral part of the production of all video programming. A producer or video provider would not think of exhibiting a television show without its soundtrack; neither, in the future, should a producer or video provider consider displaying a show without its captions.

When television programming first became a reality, it was virtually impossible for the deaf and hard of hearing viewers to enjoy watching television programs. After learning about the availability of new technology, we were instrumental in getting the high level personnel at PBS, ABC, and NBC to set aside Line 21 for close captioning and to produce close captioned programs. Unfortunately, CBS at the time failed to see the importance of reserving Line 21 for close captioning. We were eventually successful in convincing CBS to offer close captioned television programs, after staging demonstrations in over 100 locations.

The number of close captioned television programs has increased significantly over the years. As a result, the amount of viewing time has increased tremendously and we have become more and more dependent on television for pertinent

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information, such as news and weather report. In brief, television has proven to be a way of life for many of us.

However, there are many vital programs that are still not close captioned. Why should we pay the same rate as others for cable television although we do not have the same access to many programs? We also do not have full access to local television news programs. The quality of close captioning varies from program to program, due to lack of regulations. Since we feel television is very important to us, we want to do everything we can to help achieve full access to all programs.

We recognize that other audiences can also benefit from captioning as well. Research and anecdotal evidence shows that captioning improved reading and English skills for children, illiterate adults, persons learning English as a second language, and remedial readers. In addition, captioning can help viewers understand the audio portion of television programs while watching it from noisy locations such as airports, hotel lobbies, restaurants, factories, or from quiet locations, such as government and private offices.

We have obtained remarks from people with normal hearing how much they enjoyed close captioned television programs. Since the Americans with Disabilities Act of 1990 requires that all new televisions 13 inches or larger be equipped with a decoder chip, effective on July 26, 1993, this means there are millions and millions of television sets with close captioning capability now in use.

### III. Availability of Closed Captioning

Although nearly all of prime time and children's programming on network broadcasts are captioned, most of the top 25 basic cable stations caption little or none of their programs with the exception of CNN and USA, on the average, fewer than 8% of basic cable programs are captioned. Similarly, few commercial advertisements are captioned, and hardly any coming attractions, program recaps, program previews, or station breaks are captioned, on either broadcast networks or cable stations.

In addition, most locally produced programs, including those covering news and community affairs are not captioned. In our state, the captioned portion of the nationally televised programs had been eliminated whenever there was an emergency weather warning or announcement of closing of schools and/or governmental agencies (because of bad weather or icy road conditions) in open captioning. In addition, certain segments of the news programs, such as weather news or latest news, were not close captioned. We do not even have access to televised public hearings or meetings. As long as we are being denied equal access to television programming, we have been discriminated against. We do not and will not tolerate this lack of sensitivity to our viewing needs.

#### IV. Funding of Closed Captioning

The Commission is correct when it states that the federal government has played an important historical role in the funding of captioning. For example, the Department of Education has contributed significant funds directly to network broadcasters for the captioning of syndicated programming. Because the Telecommunications Act of 1996 now mandates captioning, video providers and owners will soon be responsible for funding their own captioning. We support redirecting federal funds that are still available to funding research for improved captioning technology, providing subsidies for programmers that can show undue burden during a period up to the year 2000, and providing seed money for the captioning of programs by low-budget programmers and video program owners.

#### V. Quality

The quality of closed captions continued to vary considerably. We have found it extremely difficult to tolerate scrambled signals, poor spelling, spelling based on phonics, captions that are too fast or slow, or the watering down of spoken messages. It has also been difficult at times to determine who is speaking. Whenever the audio portion of the program is malfunctioning, the program would be suspended until the problem is corrected. The same should apply to captioned messages. There is no reason for us to be excluded from certain segments of the program. The lack of captioning quality has affected our capability to enjoy and understand a television program at the same level that others take for granted.

The FCC should establish minimum standards to ensure the high quality of captioning services. We propose the following guidelines in the development of such standards:

1. Individuals who depend on captioning must receive information about the audio portion of the program which is functionally equivalent to the information available through the program's soundtrack. In order to meet this standard, caption data and information contained in the program's soundtrack must be delivered intact, throughout the entire program. Captions are intended to replace the audio portion of a program; where the Commission imposes requirements to caption programs, those programs should be captioned in their entirety, as should the commercial and station news segments aired during their breaks.

2. Requirements for proper spelling, grammar, timing, accuracy and placement of captions should be designed to achieve full access to video programming.

3. Captions should include not only verbal information, but other elements of the soundtrack necessary for accessibility. These must include identification of the individual who is speaking where this is unclear to the viewer, sound effects, and audience reaction.

4. Captions should be provided with the style and standards which are appropriate for the particular types of programming that is being captioned. For example, often local newscasts are captioned with computer-generated captions - also known as electronic newsroom captioning. This method simply does not provide functionally equivalent video service because it misses the captioning of live interviews, sports and weather updates, school closing, and other late breaking stories which are not pre-scripted. Additionally, this method produces captions which are typically out of sync with what is being reported, lagging far behind or jumping way ahead of the anchor person's statements. For all of these reasons, the Commission should require real time captioning for local news broadcasts and all other live programming. Real time captioning uses a caption stenographer to simultaneously caption live audio programming, ensuring that viewers receive complete and up-to-the-minute captions of all that is on the soundtrack.

5. Captions must be reformatted as necessary if the programs on which they have been included have been compressed or otherwise edited. Videos are frequently edited as they move from movie theaters to premium cable stations to basic cable stations to syndication. This editing process typically entails removing frame of the video to compress it into a smaller time period. Video providers must be required to reformat captions on programs that have been edited to ensure that such captions are presented intact and in place.

6. Care must be taken to ensure that captioning remains intact as it moves through the distribution chain from its point of origination to the local video provider. Often captions on programs that are initially intact either arrived scrambled or are even stripped by the time such programs reach their final cable or local network destinations. This problem can easily be remedied by requiring individual positions at signal monitoring stations to monitor captions as they pass from a program's site of origination to local affiliates, cable providers, or other final destinations.

7. Open character generated announcements, such as emergency warnings, weather advisories, election results, and school closings should not obstruct or be obstructed by closed captions. Standards need to be developed to ensure the proper placement of these open scrawls.

In developing the above minimum standards, the Commission should work closely with deaf, hard of hearing, and deaf/visually impaired individuals and captioning services who have had the first hand experience with captioning. We propose the creation of a regulatory negotiated rulemaking committee for this purpose.

## VI. Transition

The Commission has requested comment on appropriate timetables for providing captioning of video programming. The target for any set of timetables implemented by the Commission should be 100 percent captioning of all television

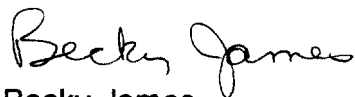
programs, subject to undue burden exemptions. No category of programming should be completely exempt from the captioning requirements. We recognize, however, that a goal of 100% captioning will not be met overnight. Accordingly, we propose initially requiring all major networks and premium cable stations to caption 100 percent of their programs within 90 days of the effective date of the FCC's rules.

We also propose that the FCC develop a set of timetables that will begin to require captioning for new programs (i.e. programs that are first published or exhibited after the effective date of the FCC's captioning regulations) within six months after the effective date of the FCC's rules. Timetables for captioning can thereafter depend on the size of the video programs/owners (with larger programmers and owners being subject to the Commission's rules more quickly), the type of program (with news and current affairs taking first priority), and the airing time for the program (with requiring the captioning of prime time shows before other time slots). Again, although some programmers and owners may have additional time to comply with the captioning rules, the Commission should set as its ultimate objective 100 percent captioning for all those not exempted because of an undue burden.

#### VII. Conclusion

On February 8, 1996, President Clinton signed the Telecommunications Act of 1996 into law. For the first time in our nation's history, this law mandates the provision of closed captioning for nearly all television programming. The Conference Report accompanying this Act states that it is "the goal of the House to ensure that all Americans ultimately have access to video services and programs, particularly as video programming becomes an increasingly important part of home, school, and workplace." (Conference Report No. 104-458, 104th Congress, 2nd Session (1996) at 183-4.) In keeping with this goal, the FCC initiated this NOI so it could gather the information needed to promulgate comprehensive regulations on video captioning. We thank the FCC for doing so, and urge the Commission to complete this proceeding and issue captioning rules in an expedited fashion.

Respectfully submitted,



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